

-578 Case, United States Patent No. 9,335,825 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>one processor, to cause the apparatus to at least: detect that an application is being started on the apparatus; in response to the application being started on the apparatus, turn on a continuous wave doppler radar at the apparatus" (Claim 1)</p> <p>(Proposed by Defendant)</p>		<p>Function: detect that an application is being started on the apparatus; in response to the application being started on the apparatus, turn on a continuous wave doppler radar at the apparatus</p> <p>Structure: none; indefinite</p>

-583 Case, United States Patent No. 7,777,728 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>"tap direction" (Claims 1, 11, 16)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	tap direction that extends between the first tap position and a second tap position

-584 Case, United States Patent No. 8,803,697 (Disputed)		
Neither party contends terms need to be construed		

II. Brief 4 (-572, -581, and -582 Cases)

-572 Case, United States Patent No. 8,041,806 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>"communication traffic exchanged with a communication network subscriber over an access communication link" (claims 1, 9, 10, 11, 14)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	the digital information traversing a network link between a communication network subscriber and an access network
<p>"access network" (claims 1, 7, 9, 10, 11, 14)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	a network that connects a communication network subscriber to their Internet Service Provider (ISP)"

-572 Case, United States Patent No. 8,041,806 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“a behavioral information collector operable to monitor communication traffic exchanged with a communication network subscriber over an access communication link” (claims 1, 9, 10)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: monitor communication traffic exchanged with a communication network subscriber over an access communication link</p> <p>Structure: none; indefinite</p>
<p>“the behavioral information collector being configurable to collect from any of a plurality of types of communication traffic in the monitored communication traffic behavioral information indicative of behavior of the subscriber in using the access communication link”, “the behavioral information collector operable to . . . collect from the monitored communication traffic behavioral information indicative of behavior of the subscriber in using the access communication link”, and “the behavioral information collector being configurable to collect the behavioral information from any of a plurality of types of communication traffic in the monitored communication traffic” (claims 1, 9, 10)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: collect from any of a plurality of types of communication traffic in the monitored communication traffic behavioral information indicative of behavior of the subscriber in using the access communication link</p> <p>Structure: none; indefinite</p>

-581 Case, United States Patent No. 7,304,563 (Agreed)	
Claim Term/Phrase	Agreed Construction
<p>“maintaining means for maintaining an indication of the current time” (claim 16)</p> <p>(Proposed by both Parties)</p>	<p>Term is subject to 35 U.S.C. § 112, ¶ 6</p> <p>Function: maintaining an indication of the current time</p> <p>Structure: a clock, and equivalents thereof. '563 patent, 1:49-51, 2:3-4, 3:29-31, 6:39</p>
<p>“storing means for storing in a memory a definition of an alert time” (claim 16)</p> <p>(Proposed by both Parties)</p>	<p>Term is subject to 35 U.S.C. § 112, ¶ 6</p> <p>Function: storing in a memory a definition of an alert time</p> <p>Structure: a processor, a memory, and equivalents thereof. '563 patent, 1:51-52, 1:59-61, 3:43-44, 3:58-60</p>
<p>“signaling means” (claim 16)</p>	<p>Term is subject to 35 U.S.C. § 112, ¶ 6</p> <p>Function: locally signal to the user</p> <p>Structure: loudspeaker, and equivalents thereof. '563 patent, 2:57-58, 4:4-8</p>

-581 Case, United States Patent No. 7,304,563 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“alert” (claims 1, 12, 16)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	instructions causing a communication terminal to perform an action
<p>“alerting unit configured to issue an alert” (claim 1)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>The recited function is identical to the means-plus-function term in claim 16. Section 112 ¶ 6 applies.</p> <p>Function: issuing an alert</p> <p>Structure: indefinite.</p>
<p>“signaling unit configured to locally signal to a user” (claim 1)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>The recited function is identical to the means-plus-function term in claim 16. Section 112 ¶ 6 applies.</p> <p>Function: locally signal to the user.</p>

-581 Case, United States Patent No. 7,304,563 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
		Structure: loudspeaker, and equivalents thereof. '563 patent, 2:57-58, 4:4-8
<p>“initiating [a/the] connection to the other communication terminal at a predetermined time offset from [signaling the user using the signaling unit/locally signaling the users/signaling the user by the signaling means]” (claims 1, 12, 16)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	initiating a link that allows direct communication between a mobile communication terminal and another predefined communication terminal at a time set apart by a predefined interval from the local signal
<p>“the terminal” (claim 12)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	Indefinite
<p>“issuing means for issuing an alert” (claim 16)</p> <p>(Proposed by both Parties)</p>	<p>Function: issuing an alert Structure: antenna, communication engine, and loudspeaker, and equivalents thereof</p>	<p>Function: issuing an alert Structure: none; indefinite</p>

-582 Case, United States Patent No. 8,238,681 (Agreed)	
Claim Term/Phrase	Agreed Construction
<p>“means for executing an autofocus algorithm using the assigned focus value masks” (Proposed by Defendant)</p>	<p>This term is subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: executing an autofocus algorithm using the assigned focus value masks</p> <p>Structure: See, e.g., 3:7-9; 10:18-22; 10:39-51; 10:57-63; 11:58-12:3; 8:36-52; 11:41-55</p>
<p>“means for logically separating into a plurality of parts at least one sub-window of interest of a plurality of sub-windows of interest arranged in a grid formation in an autofocus window of interest” (Proposed by Defendant)</p>	<p>This term is subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: for logically separating into a plurality of parts at least one sub-window of interest of a plurality of sub-windows of</p>

-582 Case, United States Patent No. 8,238,681 (Agreed)	
	<p>interest arranged in a grid formation in an autofocus window of interest</p> <p>Structure: See, e.g., processor (3:7-9;10:18-22; 10:39-51; 10:57-63; 11:58-12:3); 7:36-43; 10:66-11:2.</p>

-582 Case, United States Patent No. 8,238,681 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“autofocus algorithm” (Claims 1, 9, 16, and 24)</p> <p>(Proposed by Defendant)</p>	<p>node(s) in an active state of AAA functionality</p>	<p>instructions to automatically adjust a lens to achieve focus</p>
<p>“second part in between the first part and the second part” (Claims 1, 9, 16, and 24)</p> <p>(Proposed by Defendant)</p>	<p>Plain and ordinary meaning</p>	<p>Indefinite</p>
<p>“means for assigning a focus value mask to each of the plurality of parts of the at least one sub-window” (Claim 24)</p> <p>(Proposed by Defendant)</p>	<p>This term is subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: assigning a focus value mask to each of the plurality of parts of the at least one sub-window</p> <p>Structure: See, e.g., processor (3:7-9; 10:18-22; 10:39-51; 10:57-63; 11:58-12:3); 5:10-13; FIG. 3; 8:36-52; 11:2-4.</p>	<p>This term is subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: assigning a focus value mask to each of the plurality of parts of the at least one sub-window</p> <p>Structure: none; indefinite</p>
<p>“a processor configured to ...” (Claim 16)</p> <p>(Proposed by Defendant)</p>	<p>Plain and ordinary meaning</p>	<p>The recited functions are identical to the means-plus-function terms in claim 24, and thus the only issue is whether this term invokes Section 112, ¶6</p>

III. Brief 3 (-573, -575, -577 and -585 Cases)

-573 Case, United States Patent No. 7,620,967 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"broadcast" / "broadcasting" (claims 1, 7) (Proposed by Defendant)	Plain and ordinary meaning	Simultaneously transmit/transmitting to all receivers in a network

-575 Case, United States Patent No. 8,559,928 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"contact information" (claims 1, 15, 23) (Proposed by Defendant)	Plain and ordinary meaning	Information related to the identity of and communication with an entity
"tree structure" (claims 1, 15, 23) (Proposed by Defendant)	Plain and ordinary meaning	A non-linear data structure consisting of an ordered set of linked nodes in a connected graph with a unique root node which is not a descendent of any other node, and in which each non-root node has at most one parent node, zero or more children nodes, and a unique hierarchy value

-577 Case, United States Patent No. 8,751,585 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"a list of actions" and "a plurality of actions" (claims 1, 9, 17) (Proposed by Defendant)	Plain and ordinary meaning	a finite number of selectable items each corresponding to an executable function
"moving the selected electronic message from the inbox to the archive location after detection of the action defined in the archiving rule" (claim 1), "to move the selected electronic message from the inbox to the archive location after detection of the action defined in the	Plain and ordinary meaning	moving the selected electronic message from the inbox to a different location in memory corresponding to the previously defined archive location after the communication system detects the action defined in the archiving rule /

-577 Case, United States Patent No. 8,751,585 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>archiving rule” (claim 9), and “moving the first electronic message from the inbox of the electronic mail client associated with the user to the first storage location associated with the first archiving rule after the first action specified in the first archiving rule is detected” (claims 1, 9, 17)</p> <p>(Proposed by Defendant)</p>		<p>to move the selected electronic message from the inbox to a different location in memory corresponding to the previously defined archive location after the communication system detects the action defined in the archiving rule / moving the first selected electronic message from the inbox from the inbox to a different location in memory corresponding to the previously defined first storage location after the communication system detects the action specified in the first archiving rule</p>
<p>“client management processor configured to enable the user to select an electronic message from the inbox” (claim 9)</p> <p>(Proposed by Defendant)</p>	<p>Not means-plus-function. But if Section 112, ¶ 6 applies, then function is agreed and structure is message client 2</p>	<p>Section 112, ¶ 6 applies; function: to enable the user to select an electronic message from the inbox; structure: indefinite.</p>
<p>“a detection processor configured to detect the action defined in the archiving rule assigned to the selected electronic message was carried out” (claim 9)</p> <p>(Proposed by Defendant)</p>	<p>Not means-plus-function. But if Section 112, ¶ 6 applies, then function is agreed and structure is agent(s) 114a-114d</p>	<p>Section 112, ¶ 6 applies; function: to detect the action defined in the archiving rule assigned to the selected electronic message was carried out; structure: indefinite</p>
<p>“a collaborative application management processor configured to manage collaborative applications” (claim 9)</p> <p>(Proposed by Defendant)</p>	<p>Not means-plus-function. But if Section 112, ¶ 6 applies, then function is agreed and structure is databases 107, 108, 109, database 110, databases 111, 112.</p>	<p>Section 112, ¶ 6 applies; function to manage collaborative applications; structure: indefinite.</p>

-585 Case, United States Patent No. 8,737,961 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"stationary state" (claims 1 and 11) (Proposed by Defendant)	Plain and ordinary meaning	Indefinite
"incrementing [of] a count[er] for a stationary state" (claims 1 and 11) (Proposed by Defendant)	Plain and ordinary meaning	incrementing a count representing time at a stationary state
"determin[e/ing] a primary set of stationary states" (claims 1 and 11) (Proposed by Defendant)	Plain and ordinary meaning	Indefinite

IV. Brief 2 (-574, -576, -579, and -580 cases)

-574 Case, United States Patent No. 8,965,045 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
"a pre-emptive user output" (all claims) (Proposed by Defendant)	Plain and ordinary meaning	an output that facilitates a user action to redefine available pixels before the tracked object is lost
"said processor configured to provide a pre-emptive user output when the sub-set of pixels approaches an edge of the set of available pixels" (claim 1) (Proposed by Defendant)	Plain and ordinary meaning; does not invoke 35 U.S.C. § 112, ¶ 6; definite	Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6. Function: provide a pre-emptive user output when the sub-set of pixels approaches an edge of the set of available pixels. Structure: none; indefinite.

-576 Case, United States Patent No. 8,595,283 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“a content transfer controller configured to determine an acceptable activity period by monitoring usage of the one or more components over a particular time duration, and wherein the content transfer controller is configured to determine that an acceptable activity period is present when the usage of the one or more components is determined to have been below a particular threshold level over the particular time duration” (claim 1)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: determine an acceptable activity period by monitoring usage of the one or more components over a particular time duration, and determine that an acceptable activity period is present when the usage of the one or more components is determined to have been below a particular threshold level over the particular time duration</p> <p>Structure: none; indefinite</p>
<p>“the content transfer controller being arranged: to initiate transfer of the selected item of content from a content provider device according to the determination of an acceptable activity period, to receive the selected item of content, and to store the received item of content on memory” (claim 1)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	<p>Subject to means-plus-function treatment under 35 U.S.C. § 112, ¶ 6.</p> <p>Function: initiate transfer of the selected item of content from a content provider device according to the determination of an acceptable activity period, receive the selected item of content, and store the received item of content on memory</p> <p>Structure: none (indefinite</p>
<p>“the selected item of content” (claims 1, 2, 3, 10, 21)</p> <p>(Proposed by Defendant)</p>	Plain and ordinary meaning	the item of content selected for transfer by the user via the user interface
<p>“an acceptable level of device activity” (claim 21)</p>	Plain and ordinary meaning	Indefinite

-576 Case, United States Patent No. 8,595,283 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
(Proposed by Defendant)		
“monitoring usage of one or more components ...over a particular time duration” (claims 1, 10) (Proposed by Defendant)	Plain and ordinary meaning	monitoring the use of one or more components . . . throughout a limited, non-instantaneous period of time

-579 Case, United States Patent No. 8,640,180 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“client-side compositing of media streams” (all claims) (Proposed by Defendant)	Plain and ordinary meaning; preamble is not limiting	Preamble is limiting
“wherein the compositing-instruction substream indicating the area of the display screen to display the at least one media substream is an area to display one of the on screen display and a picture-in-picture” (claims 8, 21) (Proposed by Defendant)	Plain and ordinary meaning	Indefinite

-580 Case, United States Patent No. 7,946,491 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
“the input image” (claims 1, 13, 25, and 41) (Proposed by Defendant)	Plain and ordinary meaning	the original input image
“performing a correction on the input image” (claims 1, 13, 25, and 41)	Plain and ordinary meaning	correcting the content of the original input image

-580 Case, United States Patent No. 7,946,491 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
(Proposed by Defendant)		
“new frame” (claims 1, 13, 25, and 41) (Proposed by Defendant)	Plain and ordinary meaning; definite	Indefinite
“computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising ... a first/second/third/fourth/fifth executable portion for . . .” (claim 13) (Proposed by Defendant)	plain and ordinary meaning; does not invoke 35 U.S.C. § 112, ¶ 6; definite.	the recited functions are identical to the means-plus-function terms in claim 41, thus the only issue is whether this term invokes Section 112, ¶ 6.
“apparatus comprising a processor and memory including computer program code, the memory and the computer program code configured to, with the processor, cause the apparatus at least to . . .” (claim 25) (Proposed by Defendant)	plain and ordinary meaning; does not invoke 35 U.S.C. § 112, ¶ 6; definite.	the recited functions are identical to the means-plus-function terms in claim 41, thus the only issue is whether this term invokes Section 112, ¶ 6.
“means for processing an input image for an attempt to decode the input image using a current barcode reading method, the processing including performing a correction on the input image” (claim 41) (Proposed by both Parties)	Function: processing an input image for an attempt to decode the input image using a current barcode reading method. Structure: barcode reading element 70, processing element 72, operation 200	Function: processing an input image for an attempt to decode the input image using a current barcode reading method, the processing including performing a correction on the input image Structure: 9:58 to 11:23, 15:25 to 16:52.

-580 Case, United States Patent No. 7,946,491 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
<p>“means for determining whether the processing of the input image is successful based on a determination as to whether the correction is completed” (claim 41)</p> <p>(Proposed by both Parties)</p>	<p>Function: determining whether the processing of the input image is successful based on a determination as to whether the correction is completed</p> <p>Structure: processing element 72, operations 210-230</p>	<p>Function: determining whether the processing of the input image is successful based on a determination as to whether the correction is completed</p> <p>Structure: none; indefinite</p>
<p>“means for switching to one of a different barcode reading method or processing a new frame of the input image using the current barcode reading method in response to the processing of the input image being unsuccessful” (claim 41)</p> <p>(Proposed by both Parties)</p>	<p>Function: switching to one of a different barcode reading method or processing a new frame of the input image using the current barcode reading method in response to the processing of the input image being unsuccessful</p> <p>Structure: processing element 72, operations 260-270</p>	<p>Function: switching to one of a different barcode reading method or processing a new frame of the input image using the current barcode reading method in response to the processing of the input image being unsuccessful</p> <p>Structure: none; indefinite</p>
<p>“means for attempting a decode of the input image using the current barcode reading method in response to the processing of the input image being successful” (claim 41)</p> <p>(Proposed by both Parties)</p>	<p>Function: attempting a decode of the input image using the current barcode reading method in response to the processing of the input image being successful”</p> <p>Structure: barcode reading element 70, processing element 72, operations 220, 270</p>	<p>Function: “attempting a decode of the input image using the current barcode reading method in response to the processing of the input image being successful”</p> <p>Structure: none; indefinite</p>
<p>“means for performing a switch to the different barcode reading method in response to a failure of the attempt to decode the input image using the current</p>	<p>Function: performing a switch to the different barcode reading method in response to a failure of the attempt to decode the input</p>	<p>Function: performing a switch to the different barcode reading method in response to a failure of the attempt to decode the input</p>

-580 Case, United States Patent No. 7,946,491 (Disputed)		
Claim Term/Phrase	Plaintiff's Construction	Defendant's Construction
barcode reading method” (claim 41) (Proposed by both Parties)	image using the current barcode reading method Structure: barcode reading element 70, processing element 72, operations 230, 270	image using the current barcode reading method Structure: none; indefinite

Date: March 15, 2020

Respectfully submitted,

By: /s/ James L. Etheridge
James L. Etheridge
Texas Bar No. 24059147
Ryan S. Loveless
Texas Bar No. 24036997
Brett A. Mangrum
Texas Bar No. 24065671
Travis L. Richins
Texas Bar No. 24061296
Jeff Huang
Etheridge Law Group, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, TX 76092
Tel.: (817) 470-7249
Fax: (817) 887-5950
Jim@EtheridgeLaw.com
Ryan@EtheridgeLaw.com
Brett@EtheridgeLaw.com
Travis@EtheridgeLaw.com
Jeff@EtheridgeLaw.com

Mark D. Siegmund
State Bar No. 24117055
mark@waltfairpllc.com
Law Firm of Walt, Fair PLLC.
1508 North Valley Mills Drive
Waco, Texas 76710
Telephone: (254) 772-6400
Facsimile: (254) 772-6432

Counsel for Plaintiff WSOU Investments, LLC

/s/ Michael E. Jones

Michael E. Jones (Texas Bar No. 10929400)

Patrick C. Clutter (Texas Bar No. 24036374)

Potter Minton, P.C.

110 North College, Suite 500

Tyler, Texas, 75702

+1 (903) 597-8311

+1 (903) 593-0846 facsimile

mikejones@potterminton.com

patrickclutter@potterminton.com

Tharan Gregory Lanier (*pro hac vice*)

Jones Day

1755 Embarcadero Road

Palo Alto, California, 94303

+1 (650) 739-3939

+1 (650) 739-3900 facsimile

tglanier@jonesday.com

Matthew S. Warren (*pro hac vice*)

Jen Kash (*pro hac vice*)

Warren Lex LLP

2261 Market Street, No. 606

San Francisco, California, 94114

+1 (415) 895-2940

+1 (415) 895-2964 facsimile

matt@warrenlex.com

jen@warrenlex.com

Attorneys for Defendant Google LLC